Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Claim 3 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the rejection indicates that the phrase "the optical disc" does not have proper antecedent basis. Claim 3 has been amended so as to address this rejection. As a result, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 4-6 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 4 has been amended so as to recite that the recording medium is accessible by a reproduction apparatus that performs dubbing. Therefore, it is apparent that claims 4-6 are now clearly directed to statutory subject matter.

Further, M.P.E.P. §2106(IV) discusses the guidelines for determining whether or not a computer-related invention is patentable subject matter under 35 U.S.C. §101. This section indicates that "[d]escriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material"." Functional descriptive material includes data structures and computer programs that impart functionality when employed as a computer component. Nonfunctional descriptive material includes music, literary works, and compilations or arrangements of data. Both types of descriptive material are non-statutory when claimed as descriptive material per se. However, when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases, as opposed to nonfunctional descriptive material which still is not statutory.

Claim 4 recites, in part, a recording medium accessible by a reproduction apparatus comprising a data area for storing a video object including a video stream, first and second audio streams, and identification flags for respectively identifying the first and second audio streams. As mentioned above, functional descriptive material is statutory if it contains data structures recorded on a computer-readable medium that impart functionality when employed as a computer component. In claim 4, the identification flags are data structures recorded on a computer-readable medium (a recording medium) that impart functionality as a computer component, since the identification flags are used by a device (the reproduction apparatus) in which the recording medium is used to identify

the first and second audio streams. Therefore, the identification flags impart functionality with respect to the identification of the first and second audio streams.

As a result, it is apparent that claims 4-6 are directed to statutory subject matter and withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

In addition, claims 1-6 have been amended to make a number of editorial revisions. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Claims 1-3 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. patent number 6,282,363. Claims 4-6 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-6 of U.S. patent number 6,393,206. Claims 4-6 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-7 of U.S. patent number 6,404,980. Claims 4-6 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. patent number 6,678,466. Claim 4 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of U.S. patent number 6,456,780.

In light of these obviousness-type double patenting rejections, enclosed herewith is a terminal disclaimer linking the present application to U.S. patent numbers 6,282,363, 6,393,206, 6,404,980, 6,678,466, and 6,456,780. As a result of the filing of the terminal disclaimer, withdrawal of the obviousness-type double patenting rejections is respectfully requested.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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